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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

Plaintiff,

vs.

BENJAMIN GALECKI, et al.

Defendant.

CASE NO. : 2:15-cr-00285-KJD-PAL-2

**EMERGENCY
UNOPPOSED MOTION FOR WAIVER
OF APPEARANCE AT
ARRAIGNMENT PURSUANT TO
FEDERAL RULE OF CRIMINAL
PROCEDURE 10(b)**

COMES NOW Defendant BENJAMIN GALECKI by and through CJA counsel and hereby timely files this Emergency Unopposed Motion for Waiver of Appearance at Arraignment Pursuant to Federal Rule of Criminal Procedure 10(b). Good cause appearing, Defendant Galecki respectfully asks that the Court accept this Waiver based upon the following:

1. On or about August 24, 2016, the Government sought and obtained a Superseding Indictment. Dkt. No. 56.

2. That same day, Counsel for Galecki was advised that the Arraignment on the Superseding Indictment would occur August 31, 2016 at 3:00 p.m.

3. On or about August 24, 2016, Counsel advised Galecki of the Superseding Indictment, provided him electronically with a copy, and advised him of the date and time set for the Arraignment.

1 4. As the Court is aware, Galecki resides in Florida and is released under
2 the supervision of Pretrial Services. Galecki is in compliance with the terms of his
3 pretrial release bond.

4
5 5. Galecki has also been charged in the Eastern District of Virginia and
6 the Southern District of Alabama. Galecki is released under Pretrial Services
7 supervision in those districts as well.

8 6. Galecki advised counsel that he is scheduled to attend a business
9 conference at the time of the Arraignment currently set on the Superseding
10 Indictment. Additionally, Galecki has advised that costs for flights to Las Vegas on
11 short term notice are prohibitive.

12
13 7. Federal Rule of Criminal Procedure 10(b) allows Defendants to waive
14 their appearance at arraignments under certain circumstances with the acceptance
15 of the district court.

16
17 8. On or about August 29, 2016, Counsel spoke with Galecki and
18 discussed the contents of the Superseding Indictment. Galecki stated that he is in
19 possession of a copy of the Superseding Indictment and has read same.

20 9. On or about August 29, 2016, Counsel contacted Government counsel
21 regarding this Rule 10(b) Waiver and was advised that we may state that the
22 request is Unopposed.

23
24 10. In the alternative, Government Counsel is not opposed to continuing
25 the date for the Arraignment for Defendant Galecki. Lastly, Galecki would be willing
26 to accommodate the Court in attending the Arraignment telephonically if so desired.

27 11. Defendant's Galecki's Counsel will appear at the hearing as scheduled.
28

12. Based upon the above and foregoing, Defendant Benjamin Galecki declares under penalty of perjury pursuant to the laws of the State of Florida and the United States of America the following:


- a. That he waives his appearance at the Arraignment set on August 31, 2016 at 3:00 p.m.;
- b. That he has received and read a copy of the Superseding Indictment;
- c. That he consents to telephonic or video conference attendance should the Court so desire; and,
- d. That he hereby wishes to enter a plea of Not Guilty.

Dated this 29th day of August, 2016.


GAMAGE & GAMAGE

/s/ William Gamage, Esq.

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Defendant Benjamin Galecki

IT IS SO ORDERED, this 29th day of August, 2016.


GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on or the 29th day of August, 2016, the above and foregoing Emergency Unopposed Motion for Waiver of Appearance at Arraignment Pursuant to Federal Rule of Criminal Procedure 10(b) was served via the Court's electronic filing system on all counsel registered to this case along with Government counsel as follows:

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